

DOI Work Activity 70: Process Litigation for Indian Trust

Program Area:	Indian Trust Fulfillment
End Outcome Goal:	SEO.3 - Fulfill Indian Fiduciary Trust Responsibilities
Intermediate Outcome:	This activity does not align to an intermediate outcome
DOI Sub process:	5b – Sustain Organizations (Administrative/Legal)

Examples/Notes:

Work Activity Description: Litigation is the formal process in a court or administrative agency in which legal rights and obligations are contested by the parties and decided by a judge. This activity covers any and all work associated with administrative or judicial litigation related to Indian Trust other than probate, including litigation support provided by the bureaus and offices, legal representation provided by the Office of the Solicitor, and adjudications provided by the Office of Hearings and Appeals.

Examples include litigation involving rights of way; trespass; fishing rights, and Indian trust asset management. **Excluded are Indian probate cases (which are covered by DOI Work Activity U4 – Administer Probate on Indian Trust Estate), personnel-related litigation (which is covered by DOI Work Activity 76 – Administer Employee and Labor Relations and DOI Work Activity 78 – Administer Internal Civil Rights), employee debt-related cases (which are covered by DOI Work Activity 62 – Perform Financial Management Operations), and FERC-related litigation (which is covered by DOI Work Activity 9U – Accounting for Municipal Hydropower Activities Costs (Under Administration of Part 1 of the Federal Powers Act) and DOI Work Activity 9W – Accounting for Non-Municipal Hydropower Activities Costs (Under Administration of Part 1 of the Federal Powers Act)).**

Work activities include the following when done in the context of litigation: reviewing case files and pleadings; factual investigations and legal research; preparing legal documents, testimony, and exhibits; responding to discovery requests; participating in direct negotiations or other alternate dispute resolution (ADR); participating in or conducting hearings (including related travel and court reporting costs); and preparing or reviewing judicial orders and decisions.

Legal tasks outside the context of litigation are covered by the specific programmatic activities, to which they relate, not by DOI Work Activity 70. These include drafting or reviewing legislation and regulations, seeking or providing legal advice, contracting and contract administration, and ADR intended to head off litigation. Generally speaking, the cost of complying with decisions from administrative or judicial tribunals is also excluded from DOI Work Activity 70. However, DOI Work Activity 70 does capture the costs of modifying IT systems containing trust data to comply with court decisions or orders.

For cases where the bureau or office is responding to litigation filed by others, time should be charged to this activity once a complaint, notice of appeal, or other initiating document has been filed with the administrative or judicial tribunal. For cases where the bureau or office is initiating litigation against others, time should be charged to this activity once any preliminary review has been completed and a decision has been rendered by government attorneys (Solicitor's office or Department of Justice) to initiate litigation.

Output: Cases concluded	Unit of Measure: Number of cases concluded
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Inputs: Staff time, document production, travel, materials/supplies, and postage fees	Cost Drivers: Cobell Litigation, Tribal Litigation, and American Indian Trust Fund Management Reform Act of 1994
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System Interfaces: MS Office Professional, ProTRAC, OST Info-Net

DOI Program Area Contact: Robert More (OHA)